

**MINUTES OF THE REGULAR MEETING
OF THE CITY OF SAN CLEMENTE
PLANNING COMMISSION
February 19, 2014 @ 7:00 p.m.
City Council Chambers
100 Avenida Presidio
San Clemente, CA 92672**

1. CALL TO ORDER

Chair Darden called the Regular Meeting of the Planning Commission of the City of San Clemente to order at 7:00 p.m.

2. PLEDGE OF ALLEGIANCE

Commissioner Ward led the Pledge of Allegiance.

3. ROLL CALL

Commissioners Present: Wayne Eggleston, Jim Ruehlin, and Kathleen Ward; Chair pro tem Barton Crandell, Vice Chair Donald Brown and Chair Julia Darden

Commissioners Absent: Michael Kaupp

Staff Present: Jim Pechous, City Planner
John Ciampa, Associate Planner
Ajit Thind, Assistant City Attorney
Eileen White, Recording Secretary

4. SPECIAL ORDERS OF BUSINESS - None

5. MINUTES

A. Minutes from the Planning Commission Regular Study Session of February 5, 2014

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER WARD, AND CARRIED 5-0-1, WITH COMMISSIONER RUEHLIN ABSTAINING, to receive and file the minutes of the Regular Study Session of February 5, 2014, as submitted by staff.

B. Minutes from the Planning Commission Regular Meeting of February 5, 2014

IT WAS MOVED BY CHAIR PRO TEM CRANDELL, SECONDED BY COMMISSIONER EGGLESTON, AND CARRIED 5-0-1, WITH COMMISSIONER RUEHLIN ABSTAINING, to receive and file the minutes of the Regular Meeting of February 5, 2014, with the following revisions:

Page 3, between the 8th and 9th paragraph, insert the following paragraph, "Vice Chair Brown suggested the property manager consider using the City's Code Enforcement Officer to enforce signage guidelines."

6. **ORAL AND WRITTEN COMMUNICATION - None**

7. **CONSENT CALENDAR - None**

8. **PUBLIC HEARING**

A. 418 Cazador Lane – Cultural Heritage Permit 13-215 – Casa Ammirato (Ciampa)

A request to consider an addition and remodel to a historic house and hardscape improvements to the site. The project is located at 418 Cazador Lane in the Medium Density Residential zoning district and Architectural Overlay of the Pier Bowl Specific Plan (PBSP/RM-A). The legal description is Lot 14, Block 3, of Tract 785, and Assessor's Parcel Number 692-032-01.

Commissioner Eggleston stated for the record that according to the map provided by the City, property he owns is beyond the 500 feet property line of the subject property.

Chair Darden established from Jim Pechous, City Planner, that no issues pertaining to the Mills Act are agendized for tonight's meeting, and therefore not part of the project discussion. He noted for the record that Mills Act changes or amendments would be the purview of the City Council.

Ajit Thind, Assistant City Attorney, stated for the record that a) There are no provisions in City Code that prohibit applicants from applying for permits if they have outstanding City Code violations, and b) It is unclear whether it would be proper to deny a permit based on a City Code violation; the Code violation would have to relate to one of the findings, i.e. the finding could not be made due to the Code violation. In addition, he noted the Planning Commission does not have the option to base denial of a permit on outstanding provisions in a Mills Act Agreement. Revocations and/or agreement changes are decisions made at the City Council level.

John Ciampa, Associate Planner, narrated a PowerPoint Presentation entitled, "Cultural Heritage Permit, Ammirato Residence, dated February 19, 2014," including background information, proposed addition, interior and exterior modifications, landscape and hardscape improvements, elevations, site plans, and focus on design details. New exterior modifications include a new Juliet balcony door and enlarged windows on the north elevation, first floor window conversion to French doors and enlarged windows on the second floor of the west elevation, and replacement of four single doors with two sets of French doors and squaring off of the non-original bay window on the south elevation. Staff is recommending approval of the request as conditioned.

In response to questions, Mr. Ciampa advised that staff has determined that the existing bay window, likely added in 1948 along with other improvements, is not historically significant and was not called out as historically significant when the property was first surveyed; noted the property would have to be resurveyed by a historical expert to determine if certain characteristics are significant and should be retained. He noted there is a cluster of significant historic properties in the area.

Mr. Pechous noted that it is clear that the bay window on the south elevation was not part of the original structure, and that although the simplest solution is to cover it with stucco, the proposed design would also be considered complying with provisions in the property's Mills Act Agreement. He advised the original part of the structure built in 1928 is the most significant portion of the building to be maintained. In response to a question whether it would be allowable to demo the later addition and return the property to its original 1928 structure, Mr. Pechous advised that additional research would have to be performed before determining whether that would be allowed. The additions made after 1928 would have to be evaluated to determine if they are significant for any reason.

Discussion ensued regarding the portion of sidewalk to be constructed, including suggestion the sidewalk be eliminated because of the existing sidewalk across the street. Mr. Ciampa explained that the sidewalk requirement is a Municipal Code requirement. If desired, the Commission can provide justification and recommend waiver of the requirement for City Manager consideration.

Mr. Pechous explained that the Secretary of the Interior's standards are interpretive, and should not be considered setbacks to renovation. Of overriding importance is that the building can be reused to guarantee the long term preservation for the good of the community; it is not necessary to retain every detail. Looking at the project holistically, staff feels the remodel retains the important character defining features and the overall historic integrity of the building. If the Commission feels otherwise, they should make an alternative recommendation to City Council.

With regard to the North Elevation, Mr. Ciampa explained that the original window located between the shutters has been covered over, with only the shutters remaining in place; agreed the roofline, Juliet balcony, and window changes are visible to the public right of way; noted the change in roofline provides differentiation between the existing and proposed structure in compliance with the Secretary of the Interior's standards. The Juliet balcony on the North Elevation is a compatible feature that would be considered an acceptable improvement on a minor or secondary elevation. In response to a question he noted one improvement that would not be considered consistent with architectural design would be a proposal to extend the main balcony or wrap it around the building. The subordinate nature of the north elevation should be preserved.

Mr. Pechous explained that the City approves many renovations to historic structures that can be seen from the public right of way; the object is for the addition not to overwhelm the original structure. The north elevation is not the most important of the building elevations compared to the south and the west which face the street; a proposal to make substantive changes to these elevations could pose a problem for staff. Another reason why many of the proposed changes are permitted is because they are considered reversible or removable. The new construction should differentiate in a subtle way, using different wrought iron, or a different stucco finish, to comply with the Secretary of the Interior's guidelines.

In response to a comment from Commissioner Ward that the Secretary of the Interior's standards regarding guidance that seeking to mate designs of an earlier time period would be discouraged, Mr. Ciampa noted that the remodel attempts to avoid giving a false sense of history and advised Juliet balconies have been consistently applied.

Mr. Ciampa pointed out the condition of approval requiring that the structure revert back to a single family residence; advised Code Enforcement has informed that the proposed timeline provided allows sufficient time to bring the project into compliance. In response to questions, he noted there are no formal kitchens in the other units, but he is unaware of the exact number of bathrooms in the illegal units; advised the garage will be expanded; reviewed the proposed findings that must be made for approval of the project; noted historically there has never been connectivity between the first and second floors of this structure.

With regard to the recommendation from staff that the Planning Commission find the project categorically exempt per CEQA, Ajit Thind, Assistant City Attorney, advised that based on the information provided in the staff report, he agrees that because the project is limited to an addition and exterior modification to a historic house that complies with the Secretary of the Interior's standards located in an urban area, it qualifies for a Class 1 and a Class 32 exemption.

James Glover, architect representing the applicant, noted the importance of the historic society's input on the City in keeping its charm and beauty; commended Mr. Ciampa for a good job describing the proposed addition; described reasons for constructing the addition, including improving the interior circulation, opening up windows to create views, creating new spaces, allowing for additional light and ventilation in the rooms, expanding the home to improve livability, and enhancing the home's charm. The new design takes advantage of the home's beautiful views yet keeps the characteristics of the original structure and brings the interiors up to today's living standards. Balconies and gardens will be created and original colors specific to its original time period will be used for body and trim paint. Although he likes the bay window likely added in the 1940's, it should be squared off so it does not appear clunky. He described proposed living spaces, gardens, viewpoints, and interior circulation. The applicants are committed to making improvements so the building will continue and remain in their family for generations to enjoy. He thanked staff and members of the Design Review Subcommittee (DRSC) for all their assistance throughout the entire process.

Chair Darden opened the public hearing.

Larry Culbertson, president of the San Clemente Historical Society, is pleased that the project has been scaled back and some of the originally proposed revisions have been eliminated. He feels the project does not comply with the Secretary of the Interior's standards or City guidelines; pointed out that the addition will be visible from the public right of way; questioned why changes made 66 years ago should be allowed to be removed; opposed addition of Juliet balcony, addition of character defining features, or changes to existing doors and windows. He believes this remodel will decrease the City's historic integrity; expressed shock over the dilapidated condition of the property; questioned why it was allowed to fall into this condition; opined that it is necessary to get the opinion of a historic preservation specialist before the renovation is allowed.

Julie Ammirato Zipusch, Long Beach, described the excitement the family felt while buying this home. This is her parents dream home, and they are using their retirement money to make it livable. Her mom is especially excited about decorating the home for Christmas, including old fashioned decorations and music tastefully done. She is concerned about the stress and grief her parents are experiencing due to the house design issues.

Jill Ammirato, applicant, expanded on the stress caused by allegations from certain members of the community; advised all the code violations were present when they took ownership in the home and it was described as a triplex in the MLS listings. She is unaware of bed taxes owed to the City as a result of a vacation unit, and noted the home will revert back to a

single family home, with her son living in the lower portion of the home, with the modifications proposed in the remodel. She met with the historical society in advance of purchasing the home, and felt that they were on board with many of the improvements they were planning. They did not plan to put all their retirement money into a triplex to rent out, and always planned on it being their dream home. She is disappointed that the proposed remodel has become politicized, and is very disappointed in the reaction from one of the historical society's members to their plans.

Tom Ammirato, applicant, noted to date this process has taken 15 months. When they first met with the historical society, several nice and helpful members encouraged them to remodel based on the rough sketches provided. The historical society's reaction encouraged them to buy the home, and they hired Mr. Glover based on their recommendation. They were very happy with Mr. Glover's design, and felt the original submittal was beautiful. He believes both the original and newly submitted designs comply with Ole Hanson's vision of San Clemente as a Spanish Village by the Sea, as well as enhance the beauty and functionality of the building.

Georgette Korsen, resident, welcomed the Ammiratos to the City of San Clemente. She was present when the plans were first suggested and found them acceptable until further research was undertaken and it was discovered that some of the architectural features of the home once deemed as additions were proven to be original to the home. She is very pleased to see that modifications were made to the original submittal; agreed the bay window is charming and should be maintained; agreed the sidewalk requirement should be eliminated. She noted the importance of maintaining the home as it has a famous history; stated the historic society is doing exactly what they are supposed to do as entrusted by the State of California; assured the Ammiratos they are not the enemy; noted how much she has learned about historic preservation as a member of the society; advised they just want the home to be treasured by its owners and community. In response to a question from Vice Chair Brown, she said that the society does not have a formal process to go through when considering proposed revisions; advised she does not have formal training regarding guidelines nor a seat on the DRSC, but tries to be fair when scrutinizing properties.

Chair Darden closed the public hearing.

Mr. Pechous addressed the bay window. Although the existing Mills Act agreement with the City calls for its replacement, the Commission could if desired add a condition recommending the City Council consider its retention and allow staff to work with them regarding its repair/design. Although staff feels this window was probably added during the 1948 remodel, there are examples of bay windows in Spanish Colonial Revival Architecture.

In response to a comment from Commissioner Eggleston regarding the overlooked improvement required under the existing Mills Act Agreement on the home, Mr. Ciampa advised he spoke to the previous home owners a number of times about complying with the Agreement to replace the bay window, but they wanted to keep the feature and kept putting off amending the Agreement. There is no official penalty connected with the delay. When the Ammiratos bought the home, they were informed that the proposed improvement should be included with the home's remodel and they were aware it needed addressed.

Commissioner Ward read her statement into the record as follows: *"This is a historic Ole Hanson house that is also designated as a landmark house and described in the historic resources inventory dated 1995 as: 'a generously sized one & two story residence in the Spanish Colonial Revival style. The property is in good condition and contributes to a cluster of three impressive Spanish Village residences at the west end of Cazador Lane. For its contribution to the Spanish Village, its individual architectural quality and its notable location, 418 Cazador Lane appears to be eligible for individual and district listing in the National Register.' The property at this time, 1995, is recommended for retention on the Historic Structures List.*

The update of this inventory, in 2006, states this residence is: 'an outstanding example of the Spanish Colonial Revival style in San Clemente. It appears eligible for the National Register as a contributor to a potential historic district under Criterion A for its association with the Ole Hanson/Spanish Village by the Sea period (1925-1936) and under Criterion C for its exemplary interpretation of the Spanish Colonial Revival style.' Its status code listing is a 3D.

I am of the opinion that in order for this home to continue its present status and not endanger its historical significance or that of the two landmark homes adjacent to it, we must adhere to the most stringent standards set by the Secretary of the Interior and CEQA on the rehabilitation and additions to a historic property."

Chair pro tem Crandell commented that the easiest decision is to do nothing, but as Planning Commissioners, they have to make tough, fair, balanced decisions which respect history as well as owners' rights. He looks forward to having a study session to hear Larry Culbertson's thoughts regarding protecting homes against remodels that would change structures' historic integrity ratings. In addition, he noted all members of the public are invited to speak at Design Review Subcommittee meetings. He opined that the bay window replacement would not affect the property's character; supported either retaining the bay window or replacing it. He stated that although he might not agree with the choices

proposed for this property, the choices are not his to make. His preferences would not have been any more correct than another's. He supported the proposed remodel as presented.

Commissioner Ruehlin endorsed the changes made on the new submittal; supported either retaining or replacing the bay window; supported the new windows and doors as the changes are reversible; commented that the proposed changes for this project are more appropriate than changes proposed for other historic structures in the past. Although he was originally concerned about the Juliet balcony, he has concluded that the north elevation is minor, and the proposed additions improve the elevation aesthetically. The proposed addition does not change the nature or the statement the building is making. The addition is hidden in the back so it does not add to the mass of the building. He supports the project as proposed and believes it will improve and contribute in a positive manner to the existing neighborhood.

Commissioner Eggleston commented that he is a purist for historic homes, especially those considered landmark. Because the home was being used as a triplex, it caused difficulties for the City and made neighbors upset. Furthermore, no business taxes were paid on the vacation rental. He does not support the proposed remodel. Although he can go either way with the bay window, he is concerned with the addition of the Juliet balcony, window substitutions, and visibility of the roofline of the addition from the public right of way on such a heavily used pedestrian street. He supports the elimination of the partial sidewalk in front because it is unnecessary due to the one installed across the street. He suggested an additional condition that requires the applicant to register the home as a vacation rental with the City and pay back taxes based on its past use as a rental. He recommended the City Council review applications based on the Secretary of the Interior's standards and noted the Mills Act Agreement for this home is intended to preserve its historic features and in return provides substantial tax relief. In addition, he suggested City Council consider requiring all properties be in compliance with all laws, including the Zoning Ordinance, before applications are considered.

Vice Chair Brown commented that in preparation for tonight's meeting, he reviewed the State of California website's webinar courses which are part of the Planning Commissioner's required training every year. He suggested Larry Culbertson may want to review them to familiarize himself with the existing standards. He noted the Secretary of the Interior's standards allow flexibility and interpretation in how they are applied. The City's newly adopted General Plan allows for single sidewalks on the street, and with neighborhood concurrence, the Municipal Code requirement for a sidewalk could be waived in this situation. He noted the roofline is required to be different; opined the home is improved with the new additions; commented he could go either way with regard to the bay window. He stated that a matching window

may be more aesthetically pleasing than the Juliet balcony; supported the project as it moves forward; commented that he is looking forward to seeing the home decorated as described for Christmas. He noted the Commission was appointed by the City Council to make the hard decisions and walk up to problems rather than walk away from them. He is taking a stand and delivering what he was appointed to do.

Commissioner Ward expressed concern that there is no opinion from a historic expert to weigh in on whether the 1948 renovations should be considered significant at this point in time, especially with regard to the bay window. She is concerned about replacing the windows and doors because guidelines suggest that historic materials should not be destroyed whenever possible. Although the staff report indicates that the north elevation cannot be seen from the public right of way, it is easily visible and she is concerned with potential reporting inaccuracies. It is not necessary to replace the historic windows when there will be light and ventilation from other windows. Likewise, the doors do not need to be replaced to provide access because there is an existing door to access the bedroom. She would prefer to amend the Mills Act Agreement to allow the bay window to remain; expressed neutrality regarding the north elevation and Juliet balcony as long as the wrought iron does not match the existing balcony; opposed changes to the windows and doors of the front elevation. She does not support the project overall because she is unable to make the required findings.

Mr. Pechous commented that the statement in the staff report indicating that the addition will not be visible from the public right of way was included in error. However, he pointed out that there is no requirement that the addition is not allowed to be seen from the public right of way. It is required that the addition differentiates and subordinate to and not diminish the integrity of the building's character defining features. With regard to the replacement door under the balcony, and the requirement that historic materials should not be destroyed whenever possible, he noted the DRSC approved the door replacement due to its low visibility and the stated goals of the property owner. Staff has determined that the proposed addition is not a significant alteration to the character defining features of the historic building and he pointed out the character defining features being retained on the project elevations. In addition, he does not believe removal of additions made in 1948 will alter the historic designation of the structure.

Chair Darden praised all involved in the sophistication and depth of the discussion this evening, noting it is a tribute to how far the City has come in its appreciation of historic qualities. The historical society played a significant role in the past, and continues to play a significant role in the City's ability to evaluate properties. It is important to note that the Secretary of the Interior's standards are not meant to prohibit additions to historic structures but to guide what type of additions are appropriate. It is

important in this case that all are aware of the guidelines because this is a landmark, Mills Act property which should be held to a higher standard than the average historic property. It is also important that the City is consistent in its treatment of historic properties. The Ole Hanson Beach Club remodel allowed a number of modifications to its windows and doors because the majority felt as though the changes would be essential to its new use as a modern building. She complimented staff for an excellent job with the staff report and extensive knowledge of the Secretary of the Interior's standards and how they should be applied. She supported changes to the north elevation due to its subordination to the other elevation and supported the project as recommended by staff. She would support an amendment to the Mills Act Agreement that would allow retention of the existing bay window but is not opposed to its replacement. She acknowledged resources in the community such as the historical society, but also acknowledged people who choose to invest in the community as their efforts are appreciated.

Following a brief discussion of the project timeline, bay window replacement, and Mills Act amendment between Mr. Pechous and Mr. Glover, Mr. Glover expressed preference that the resolution go before City Council without revision, with the applicants advised to make an independent request to revise the Mills Act with regard to the bay window if they so desire.

IT WAS MOVED BY VICE CHAIR BROWN, SECONDED BY COMMISSIONER RUEHLIN AND CARRIED 4-0-2, WITH COMMISSIONER EGGLESTON AND COMMISSIONER WARD OPPOSED, TO ADOPT RESOLUTION NO. PC 14-006 A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN CLEMENTE, CALIFORNIA, APPROVE CULTURAL HERITAGE PERMIT 13-215, CASA AMMIRATO, A REQUEST TO ALLOW AN EXPANSION AND REMODEL OF A HISTORIC HOUSE, LOCATED AT 418 CAZADOR LANE.

[ACTION SUBJECT TO CITY COUNCIL APPROVAL]

9. **NEW BUSINESS** - None
10. **OLD BUSINESS** – None
11. **REPORTS OF COMMISSIONERS/STAFF**
 - A. Tentative Future Agenda
 - B. Minutes from the Zoning Administrator meeting of February 5, 2014
 - C. Staff Waiver 14-028, 207 Avenida Granada
 - D. Staff Waiver 14-029, 401 Avenida Del Mar B1
 - E. Staff Waiver 14-030, 129 W. Avenida De Los Lobos Marinos

- F. Staff Waiver 14-035, 903 Buena Vista
- G. Staff Waiver 14-036, 217 N. El Camino Real
- H. Staff Waiver 14-037, 219 Avenida Victoria

Mr. Pechous announced that the City will be interviewing for a Local Coastal Plan (LCP) consultant this Friday, and he will give an update on the LCP process at the Commission's next meeting.

Chair Darden reported that several Commissioners attended a Zoning Ordinance Workshop this evening before the regular meeting and complimented staff for the interesting and informative meeting. She noted good attendance from local architects and commended staff for treating the Zoning Ordinance update process in such an inclusive manner.


12. ADJOURNMENT

IT WAS MOVED BY COMMISSIONER KAUPP, SECONDED BY COMMISSIONER WARD, AND UNANIMOUSLY CARRIED to adjourn at 9:15 p.m. to the Study Session to be held at 6:00 p.m. on March 5, 2014, in Council Chambers at City Hall located at 100 Avenida Presidio, San Clemente, CA.

Respectfully submitted,

Julia Darden, Chair

Attest:



Jim Pechous, City Planner